

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT D. BROWN,	§
	§
Defendant Below-	§ No. 540, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0605017922
Plaintiff Below-	§
Appellee.	§

Submitted: January 30, 2009

Decided: April 7, 2009

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 7<sup>th</sup> day of April 2009, after careful consideration of the parties' briefs, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated October 16, 2008. The Superior Court did not err in concluding that appellant's second motion for postconviction relief was procedurally defaulted. His motion was both time-barred and repetitive, and appellant failed to overcome these procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice